

Introduced by Senator Correa

February 27, 2009

An act to amend Section 25141.5 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as introduced, Correa. Hazardous waste: identification and regulation.

Existing law requires the Department of Toxic Substances Control to use specified criteria and procedures for the identification and regulation of certain types of hazardous waste, unless the department makes a determination after January 1, 1996, by regulation, that additional criteria are necessary to protect the public health, safety, and environment of the state.

The bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25141.5 of the Health and Safety Code
2 is amended to read:
3 25141.5. (a) When classifying a waste as hazardous pursuant
4 to the criteria in paragraph (8) of subdivision (a) of Section
5 66261.24 of Title 22 of the California Code of Regulations, as that
6 section read on January 1, 1993, the department shall incorporate
7 the department's decision into a regulation, if the department
8 determines that the waste's classification as a hazardous waste is

likely to have broad application beyond the producer who initiated the request.

(b) Unless the department makes a determination after January 1, 1996, by regulation, that additional criteria are necessary to protect the public health, safety, and environment of the state, the department shall use the following criteria and procedures for the identification and regulation of the following types of hazardous waste:

(1) In identifying wastes that are hazardous due to the characteristic of reactivity, the department shall rely on objective analytical tests, procedures, and numerical thresholds set forth in the regulations or guidance documents adopted by the United States Environmental Protection Agency.

(2) (A) ~~On and after January 1, 1997, in~~ In identifying wastes that are hazardous due to the characteristic of acute oral toxicity, as defined in the regulations adopted by the department pursuant to this chapter, the department shall use an oral LD50 threshold of less than 2,500 milligrams per kilogram, unless the department adopts revised regulations setting forth a different threshold for acute oral toxicity, based on a review and update of the scientific basis for this criterion.

(B) Notwithstanding any other provision of this chapter or the regulations adopted by the department prior to January 1, 1996, to the extent consistent with the federal act, the substances listed in this subparagraph shall not be classified as hazardous waste due solely to the characteristic of acute oral toxicity. The language in parentheses following the scientific name of each of the substances listed in this paragraph describes one or more common uses of each substance, and is provided for informational purposes only.

(i) Acetic acid (vinegar).

(ii) Aluminum chloride (used in deodorants).

(iii) Ammonium bromide (used in textile finishing and as an anticorrosive agent).

(iv) Ammonium sulfate (used as a food additive and in fertilizer).

(v) Anisole (used in perfumes and food flavoring).

(vi) Boric acid (used in eyewashes and heat resistant glass).

(vii) Calcium fluoride (used to fluoridate drinking water).

(viii) Calcium formate (used in brewing and as a briquette binder).

- 1 (ix) Calcium propionate (used as a food additive).
2 (x) Cesium chloride (used in brewing and in mineral waters).
3 (xi) Magnesium chloride (used as a flocculating agent).
4 (xii) Potassium chloride (used as a salt substitute and a food
5 additive).
6 (xiii) Sodium bicarbonate (baking soda, used in antacids and
7 mouthwashes).
8 (xiv) Sodium borate decahydrate (borax, used in laundry
9 detergents).
10 (xv) Sodium carbonate (soda ash, used in textile processing).
11 (xvi) Sodium chloride (table salt).
12 (xvii) Sodium iodide (used as an iodine supplement and in cloud
13 seeding).
14 (xviii) Sodium tetraborate (borax, used in laundry detergents).
15 (xix) The following oils commonly used as food flavorings:
16 allspice oil, ceylon cinnamon oil, clarified slurry oil, dill oils, or
17 lauryl leaf oil.
18 (3) (A) Except as provided in subparagraph (B), a waste that
19 would be classified as hazardous solely because it exceeds total
20 threshold limit concentrations, as defined in regulations adopted
21 by the department, shall be excluded from classification as a
22 hazardous waste for purposes of disposal in, and is allowed to be
23 disposed in, a disposal unit regulated as a permitted class I, II, or
24 III disposal unit, pursuant to Section 2531 of Title 23, and Sections
25 20250 and 20260 of Title 27 of the California Code of Regulations,
26 if, prior to disposal, the waste is managed in accordance with the
27 management standards adopted by the department, by regulation,
28 if any, for this specific type of waste.
29 (B) Subparagraph (A) shall not apply to a hazardous waste that
30 is a liquid, a sludge or sludge-like material, soil, a solid that is
31 friable, powdered, or finely divided, a nonfilterable and nonmillable
32 tarry material, or a waste that contains an organic substance that
33 exceeds the total threshold limit concentration established by the
34 department for that substance.
35 (C) For purposes of ~~this~~ subparagraph (B), the following
36 definitions shall apply:
37 (i) A waste is liquid if it meets the test specified in subdivision
38 (i) of Section 66268.32 of Title 22 of the California Code of
39 Regulations.

1 (ii) “Sludge or sludge-like material” means—~~any~~ *a* solid,
2 semisolid, or liquid waste generated from a municipal, commercial,
3 or industrial wastewater treatment plant, water supply treatment
4 plant, or air pollution control facility, but does not include the
5 treated effluent from wastewater treatment plants.

6 (iii) “Friable, powdered, or finely divided” has the same meaning
7 as used in the regulations adopted by the department pursuant to
8 this chapter.

9 (iv) “Nonfilterable and nonmillable tarry material” has the same
10 meaning as used in the regulations adopted by the department
11 pursuant to this chapter.

12 (D) This paragraph does not affect the authority of a city or
13 county regarding solid waste management under existing provisions
14 of law.

15 (c) Any regulations adopted pursuant to subdivision (b) shall
16 be considered by the Office of Administrative Law as necessary
17 for the immediate preservation of the public peace, health and
18 safety, and general welfare, and may be adopted as emergency
19 regulations in accordance with Chapter 3.5 (commencing with
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
21 Code.